

ANTONIO MENDEZ GARCIA AND PALMIRA LAVIN GARCIA

JUNE 30, 1960.—Ordered to be printed

Mr. EASTLAND, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R. 1493]

The Committee on the Judiciary, to which was referred the bill (H.R. 1493) for the relief of Antonio Mendez Garcia and Palmira Lavin Garcia, having considered the same reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to cancel outstanding deportation proceedings in behalf of two natives and citizens of Spain.

STATEMENT OF FACTS

The following information concerning the case was contained in House Report No. 1474, on the bill:

The beneficiaries are husband and wife, ages 55 and 50, who are natives and citizens of Spain who were admitted to the United States as visitors. They reside with their daughter, a lawfully resident alien, and son-in-law, a U.S. citizen. Their only other child is presently in the United States as a student.

The facts in this case are contained in letters from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary, dated May 22 and August 22, 1958, regarding bills then pending for the relief of the same persons. Those letters and accompanying memorandums read as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., May 22, 1958.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 11029) for the relief of Antonio Garcia, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hartford, Conn., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon the payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Spain.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE ANTONIO GARCIA,
BENEFICIARY OF H.R. 11029

The beneficiary, Antonio Garcia, a native and citizen of Spain, was born on November 18, 1904, in Madrid. He married the former Palmira Lavin in Spain on May 25, 1932. She is a native and citizen of Spain. They have two daughters, Palmira Collazo, age 25 and Encarnacion Garcia, age 16, who are also citizens of Spain. Mrs. Garcia was admitted to the United States on July 14, 1957, as a visitor to June 30, 1958. Encarnacion was admitted to this country on February 12, 1956 as a student to February 11, 1959. She attended Spaulding High School, Barre, Vt. from September 9, 1956, to June 1957; was promoted to the 10th grade and was accepted for a full college preparatory course of study in high school at Bridgeport, Conn., to June 1960. Palmiro Collazo is a lawful permanent resident of the United States. The beneficiary, his wife, and daughter, Encarnacion, reside with Mrs. Collazo and her husband at 160 Andover Street, Bridgeport, Conn. His wife and daughter hope to remain in the United States with the beneficiary, if possible. Mr. Garcia is a painter but is unemployed. He has no assets or income. He, his wife, and daughter, Encarnacion, are being supported by Mrs. Collazo and her husband. Mr. Garcia completed high school in Spain.

Palmira Collazo is married to a citizen of the United States. They have no children. Mrs. Collazo is employed as a stenographer at a weekly wage of \$98. Her husband works as a lathe operator and receives a weekly wage of \$84. Their assets consist of household furnishings of nominal value.

Mr. Garcia last entered the United States on August 29, 1957, at New York, N.Y., when he was admitted as a visitor

for pleasure. His authorized temporary stay expired on February 28, 1958. Deportation proceedings were instituted on May 5, 1958, on the ground that he has remained here for a longer time than permitted. He has not as yet been accorded a hearing. Mr. Garcia first entered this country at New York, N.Y., on July 28, 1948, when he was admitted as a visitor. He was accompanied by his wife and their two daughters, who were also admitted as visitors. Deportation proceedings were instituted on March 27, 1950, and they were found deportable on the ground that they were immigrants at time of entry and not in possession of immigration visas. They departed voluntarily for Venezuela in December 1954, and resided in that country until their return to the United States.

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., August 22, 1958.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 13149) for the relief of Palmira Lavin Garcia, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hartford, Conn., office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Spain.

Sincerely,

J. M. SWING, *Commissioner.*

"MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE PALMIRA LAVIN GARCIA,
BENEFICIARY OF H.R. 13149

"The beneficiary, Palmira Lavin Garcia, a native and citizen of Spain, was born February 20, 1910, in Lierganes, Santander. She married Antonio Garcia in Spain on May 26, 1932. She is a housewife and is not employed for wages. She is supported by her husband, who earns \$120 weekly as a painter. Their assets consist of household furnishings valued at \$1,000. She completed the eighth grade of elementary school in Spain.

"The husband of the beneficiary, a native and citizen of Spain, was born on November 18, 1904, in Madrid. He last entered the United States on August 29, 1957, at New York, N.Y., at which time he was admitted as a visitor for pleasure. His authorized temporary stay expired on February 28, 1958.

Deportation proceedings were instituted on May 5, 1958, on the ground that he has remained here for a longer time than permitted. He was accorded a deportation hearing on June 10, 1958, when he was found deportable and was granted voluntary departure with an alternative order of deportation in the event of his failure to depart as required. No appeal was taken and he has until February 1, 1959, in which to depart voluntarily, which grant is subject to revocation on 30 days' notice. He is the beneficiary of H.R. 11029, 85th Congress.

"Mrs. Garcia has two daughters, Palmira Collazo, age 25, and Encarnacion Garcia, age 16, who are also natives and citizens of Spain. The older daughter is a lawful permanent resident of the United States. The youngest daughter was admitted to this country on February 12, 1956, as a student to February 11, 1959. The beneficiary, her husband, and daughter, Encarnacion, reside with Palmira Collazo and her husband at 160 Andover Street, Bridgeport, Conn. Mrs. Garcia has her mother and a stepbrother and stepsister residing in Vermont. She has no close family ties in Spain.

"The beneficiary last entered the United States on July 14, 1957, at New York, N.Y., when she was admitted as a visitor for pleasure. Her authorized temporary stay expired on June 30, 1958. Deportation proceedings were instituted on August 5, 1958, on the ground that she has remained here for a longer time than permitted. She was accorded a deportation hearing on August 12, 1958, at which time she was found deportable and was granted voluntary departure with an alternative order of deportation in the event of her failure to depart as required. No appeal was taken and she has until February 1, 1959, in which to depart voluntarily, which grant is subject to revocation on 30 days' notice. She first entered this country at New York, N.Y., on July 28, 1948, when she was admitted as a visitor. She was accompanied by her husband and their two daughters, who were also admitted as visitors. Deportation proceedings were instituted on March 27, 1950, and they were found deportable on the ground that they were immigrants at time of entry and not in possession of immigration visas. They departed voluntarily for Venezuela in December 1954, and resided in that country until their return to the United States."

Statement of Congressman Donald J. Irwin to the Committee on the Judiciary re H.R. 1493:

"The beneficiaries of this bill are husband and wife. Antonio Mendez Garcia, the husband, is 55 years old, has been in the United States since August 29, 1957, and is a painter by trade. Palmira Levin Garcia, 50 years old, is a housewife who has resided in the United States since July 14, 1957. Both beneficiaries are natives and citizens of Spain and are currently living in Bridgeport, Conn.

"Two daughters, ages 26 and 17, also live in the United States. The older daughter, a lawful permanent resident, is

married to an American citizen. Recently, she made application for citizenship which should be granted sometime in April of this year. The younger daughter is here as a student. At present, the parents are living with the married daughter who is their means of support.

"The Garcias first entered the United States in 1948 but were forced to leave in 1950 when their authorized stay expired. Rather than go back to the poverty and government of Spain, they chose to start life anew in Venezuela only to find similar conditions existing there. While in Venezuela Mrs. Garcia developed an asthmatic condition and has been suffering from it ever since. More important, the stay caused the separation of the parents from their children."

"Their travels have aged them and caused a slight amount of disillusionment. They are too old to start all over again, either in Spain, where they have long since severed their ties, or in some other foreign country. Their life is here with their children, in the country that they love and want to call their own.

"I can say without any reservation that they are fine, honest, and freedom-loving people of the highest integrity. It need never be feared that they will become a burden on our nation. The older daughter is willing and capable to post the necessary bond to insure against such a contingency. Further assurance against the public burden possibility can be gleaned from the fact that Mr. Garcia is an accomplished tradesman who could easily support himself and his family for many years.

"In light of the foregoing facts, the ages of the beneficiaries, their lack of a home to which they could return, their character, the fact that their children are in the United States and willing to care for them, I respectfully urge your favorable consideration of this bill."

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 1493) should be enacted.



